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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,361	06/05/2002	Yoram Alroy	ALROY=2	8129
1444	7590	05/05/2005	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			MULLEN, KRISTEN DROESCH	
			ART UNIT	PAPER NUMBER
			3762	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/069,361

Applicant(s)

ALROY, YORAM

Examiner

Kristen Mullen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-28 is/are allowed.
- 6) ☒ Claim(s) 14-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14, 21 and 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Morgan (5,466,244). See Figs 1-10 of Morgan. The information listed in the parenthesis has not been considered as a limitation to the claims.

Regarding claim 21, Morgan shows a connector (72) (Figs. 5-6).

With respect to claim 22, it is inherent that the electrode assembly is adapted for one time use since the electrode assembly has conductive adhesive for application to a body. Once used, the adhesive on the electrode assembly would not be suitable for use again.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan (5,466,244) in view of Gadsby et al (5,341,806). Morgan is as explained before. Although Morgan fails to show the electrodes are formed by a screen printing technique, attention is directed to Gadsby which shows that it is known in the art to utilize screen printing for forming electrodes on a flexible electrode assembly. See Col. 5, lines 17-32. Therefore, it would have

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been obvious to one with ordinary skill in the art at the time the invention was made to modify the electrodes of Morgan to be formed by screen printing since Gadsby shows that is known in the art to utilize screen printing for forming electrodes on a flexible electrode assembly.

5. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan (5,466,244) in view of Kroll et al. (4,763,660). Morgan is as explained before. Although Morgan fails to show providing a plurality of electrode arrays dimensioned for different sized patients, attention is directed to Kroll which shows it is known to provide a plurality of electrode arrays dimensioned for different sized patients. See Figs. 8-10, Col. 8, lines 1-12. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide a plurality of electrode arrays dimensioned for different sized patients since Kroll teaches it is known in the art to do so.

***Allowable Subject Matter***

6. Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 15, the prior art of record fails to teach or suggest an electrode assembly comprising a thin, flexible electrode support supporting a plurality of electrodes at least some of which are constructed on the electrode support in proper spaced relationship for producing electrical contact with respective areas of a patient's chest for producing an electro-cardiogram when the electrode assembly is placed directly against the patient's chest; characterized in that: the flexible support comprises a plurality of foldable sections that fixedly support the electrodes thereon and open out to form a substantially flat base that is placeable against the patient's chest

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so that those of said electrodes that are in proper spaced relationship for producing electrical contact with respective areas of a patient's chest simultaneously contact the respective areas of the patient's chest without requiring adjustment or calibration, and whereby the electrode assembly can be folded into a compact unit prior to or after use, all in combination with the electrode assembly being embedded within a wallet

With respect to claim 16, the prior art of record fails to teach or suggest an electrode assembly comprising a thin, flexible electrode support supporting a plurality of electrodes at least some of which are constructed on the electrode support in proper spaced relationship for producing electrical contact with respective areas of a patient's chest for producing an electrocardiogram when the electrode assembly is placed directly against the patient's chest; characterized in that: the flexible support comprises a plurality of foldable sections that fixedly support the electrodes thereon and open out to form a substantially flat base that is placeable against the patient's chest so that those of said electrodes that are in proper spaced relationship for producing electrical contact with respective areas of a patient's chest simultaneously contact the respective areas of the patient's chest without requiring adjustment or calibration, and whereby the electrode assembly can be folded into a compact unit prior to or after use, all in combination with one of the foldable sections is provided with a flap for tucking into a slot in another one of said sections, whereby the electrode assembly can be folded into a self-contained compact unit prior to use.

Regarding claim 17, the prior art of record fails to teach or suggest an electrode assembly comprising a thin, flexible electrode support supporting a plurality of electrodes at least some of which are constructed on the electrode support in proper spaced relationship for producing

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electrical contact with respective areas of a patient's chest for producing an electro-cardiogram when the electrode assembly is placed directly against the patient's chest; characterized in that: the flexible support comprises a plurality of foldable sections that fixedly support the electrodes thereon and open out to form a substantially flat base that is placeable against the patient's chest so that those of said electrodes that are in proper spaced relationship for producing electrical contact with respective areas of a patient's chest simultaneously contact the respective areas of the patient's chest without requiring adjustment or calibration, and whereby the electrode assembly can be folded into a compact unit prior to or after use, all in combination with a serpentine strip supporting thereon one of said electrodes is joined to at least one of the foldable sections.

7. Claims 23-28 are allowed.

Regarding claims 23-26, the prior art of record fails to teach or suggest an *12-lead* ECG signaling device comprising an electrode assembly having a thin, flexible electrode support supporting a plurality of electrodes at least some of which are constructed on the electrode support in proper spaced relationship for producing electrical contact with respective areas of a patient's chest for producing an electro-cardiogram when the electrode assembly is placed directly against the patient's chest; characterized in that: the flexible support comprises a plurality of foldable sections that fixedly support the electrodes thereon and open out to form a substantially flat base that is placeable against the patient's chest so that those of said electrodes that are in proper spaced relationship for producing electrical contact with respective areas of a patient's chest simultaneously contact the respective areas of the patient's chest without requiring

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adjustment or calibration, and whereby the electrode assembly can be folded into a compact unit prior to or after use

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen Mullen whose telephone number is (571) 272-4944. The examiner can normally be reached on M-F, 10:30 am-6:30 pm.

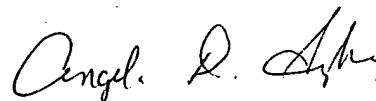
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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